

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**

**69A Hagood Avenue**

**Charleston, South Carolina 29403-5107**

**and**

**THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**Office of Environmental Quality Control**

**Water Quality Certification and Wetlands Programs Section**

**2600 Bull Street**

**Columbia, South Carolina 29201**

REGULATORY DIVISION

July 2, 2010

Refer to: P/N # SAC 2010-00710-8IA

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

**COOPER RIVER PARTNERS, LLC**

**1588 BUSHY PARK ROAD**

**GOOSE CREEK, SOUTH CAROLINA 29445**

for a permit to dredge, construct a bulkhead, install mooring dolphins, and place fill material in waters of the

**COOPER RIVER**

at the Bushy Park Industrial Complex located at 1588 Bushy Park Road in Goose Creek, Berkeley County, South Carolina (latitude 32.988874, longitude -79.927100).

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

**15 Days from the Date of this Notice**

and **SCDHEC** will receive written statements regarding the proposed work until

**30 Days from the Date of this Notice**

from those interested in the activity and those whose interests may be affected by the proposed work.

The applicant's stated project purpose is to create an import/export marine terminal in support of existing operations at the Bushy Park Industrial Complex. Specifically, the proposed work consists of dredging approximately 62,000 cubic yards of material from the Cooper River to provide depths of -35 feet mean low water near the shoreline. According to the information provided, the material to be removed is in-situ native soils free from potential contaminants. The applicant proposes to mechanically remove the material by clamshell or excavator and deposit it on adjacent uplands for dewatering. A marine bulkhead, 500 feet in length, would be constructed along the adjacent eroding bluff, requiring the backfilling of 0.29 acres of open water. Eight mooring dolphins would be installed 30 to 80 feet from the existing shoreline into the Cooper River as indicated on the

attached diagrams. The applicant has avoided and minimized impacts through site selection and proposes to mitigate for unavoidable impacts by purchasing 3.6 credits from an approved mitigation bank.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S. C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 2.79 acres of estuarine substrate utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the endangered shortnose sturgeon (*Acipenser brevirostrum*) has been known to occur in the Cooper River. This public notice serves as request for information from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register, although there are archaeological sites noted within the project vicinity. To insure that other cultural resources that the District Engineer is not aware of are

not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact **Allison Monroe** at 843-329-8044 or toll free at 1-866-329-8187.



PURPOSE: BULKHEAD CONSTRUCTION PERMIT  
 APPLICANT: COOPER RIVER PARTNERS, LLC

ADJACENT PROPERTY OWNERS  
 SEE ATTACHED SHEET

SURVEY DATUM: NGVD 29

FIGURE 1  
 LOCATION MAP

SCALE: 1" = 2000'

0' 1000' 2000' 3000'

COOPER RIVER PARTNERS, LLC  
 BUSHY PARK FACILITY  
 BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: BULKHEAD

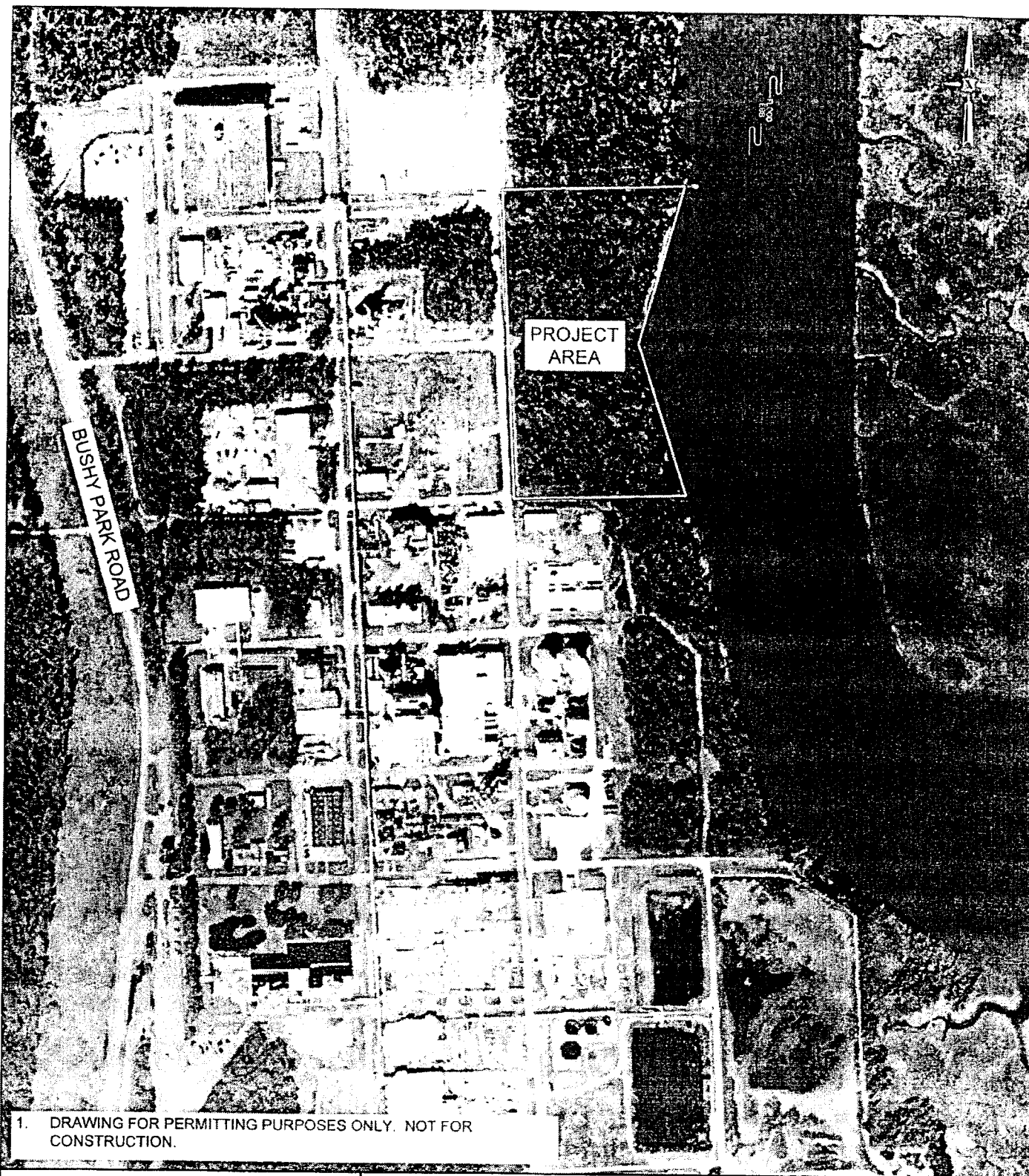
AT: BUSHY PARK FACILITY

IN: COOPER RIVER

COUNTY OF: BERKELEY COUNTY,  
 SOUTH CAROLINA

SHEET: 1 OF 5

DATE: 5/2/10  
 REVISED: 5/17/10



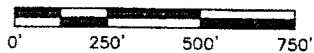
PURPOSE: BULKHEAD CONSTRUCTION PERMIT  
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ADJACENT PROPERTY OWNERS  
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SURVEY DATUM: NGVD 29

FIGURE 2  
 SITE MAP

SCALE: 1" = 500'



COOPER RIVER PARTNERS, LLC  
 BUSHY PARK FACILITY  
 BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: BULKHEAD

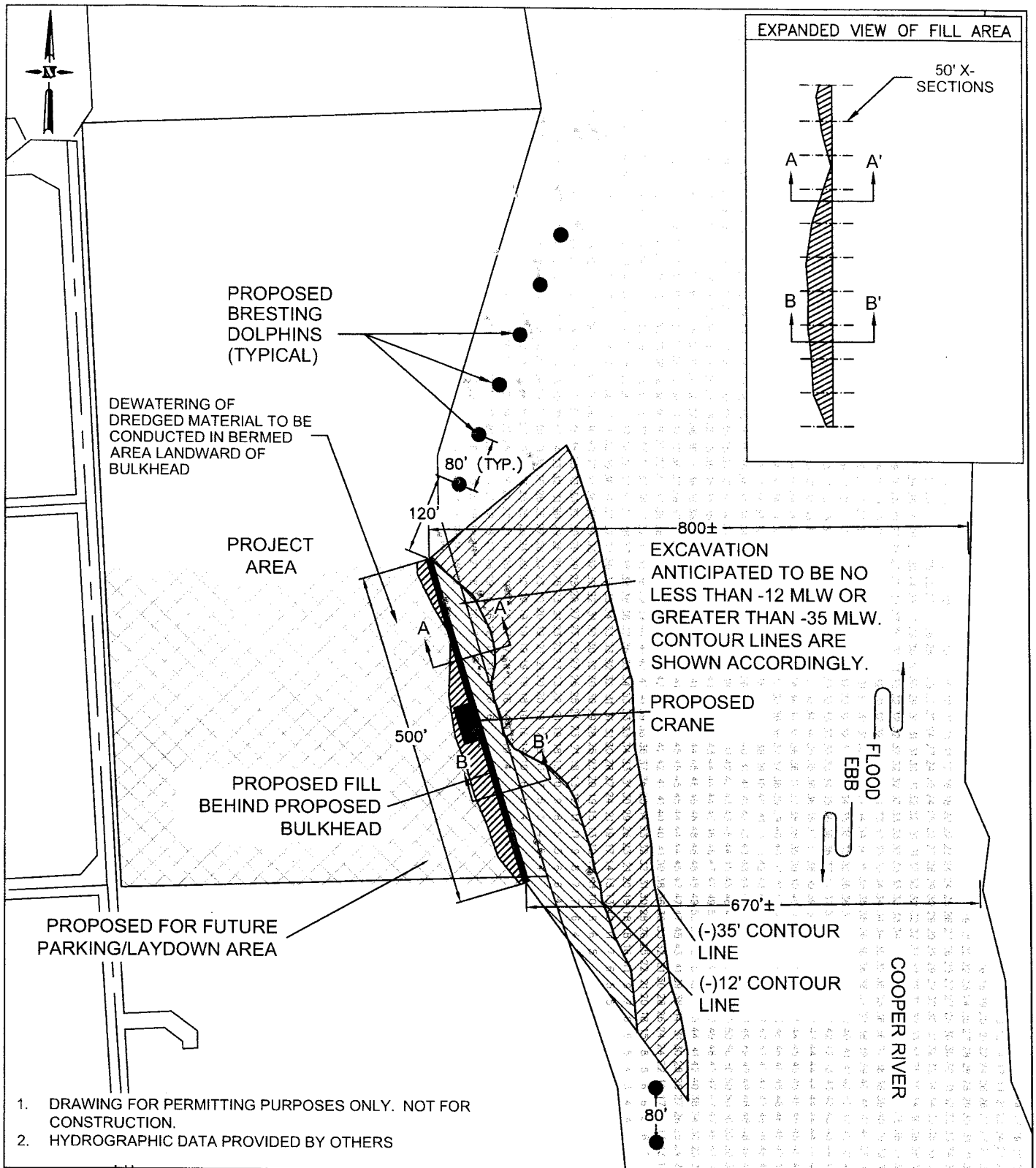
AT: BUSHY PARK FACILITY

IN: COOPER RIVER

COUNTY OF: BERKELEY COUNTY,  
 SOUTH CAROLINA

SHEET: 2 OF 5

DATE: 5/2/10  
 REVISED: 5/17/10

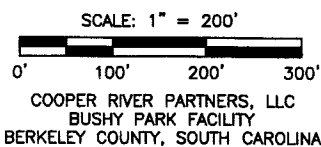


PURPOSE: BULKHEAD CONSTRUCTION PERMIT  
 APPLICANT: COOPER RIVER PARTNERS, LLC

ADJACENT PROPERTY OWNERS  
 SEE ATTACHED SHEET

SURVEY DATUM: CLW

FIGURE 3  
 SITE - PROPOSED FILL



PROPOSED: BULKHEAD

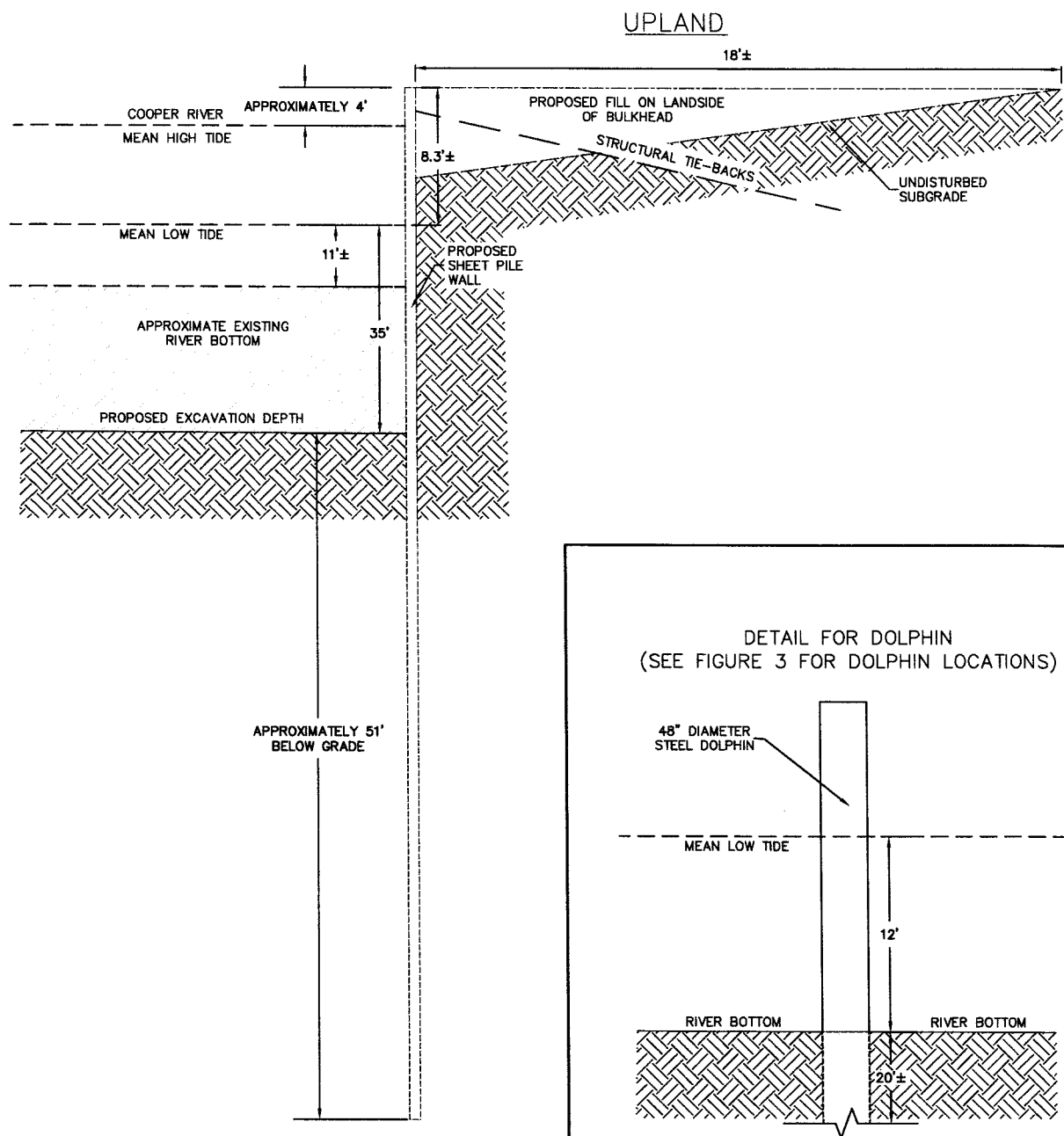
AT: BUSHY PARK FACILITY

IN: COOPER RIVER

COUNTY OF: BERKELEY COUNTY,  
 SOUTH CAROLINA

SHEET: 3 OF 5

DATE: 5/2/10  
 REVISED: 6/4/10



1. DRAWING FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: BULKHEAD CONSTRUCTION PERMIT  
APPLICANT: COOPER RIVER PARTNERS, LLC

ADJACENT PROPERTY OWNERS  
SEE ATTACHED SHEET

SURVEY DATUM:

FIGURE 4-A  
PROPOSED CROSS SECTION A-A'  
WITH PROPOSED BULKHEAD

SCALE: N.T.S.

COOPER RIVER PARTNERS, LLC  
BUSHY PARK FACILITY  
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: BULKHEAD

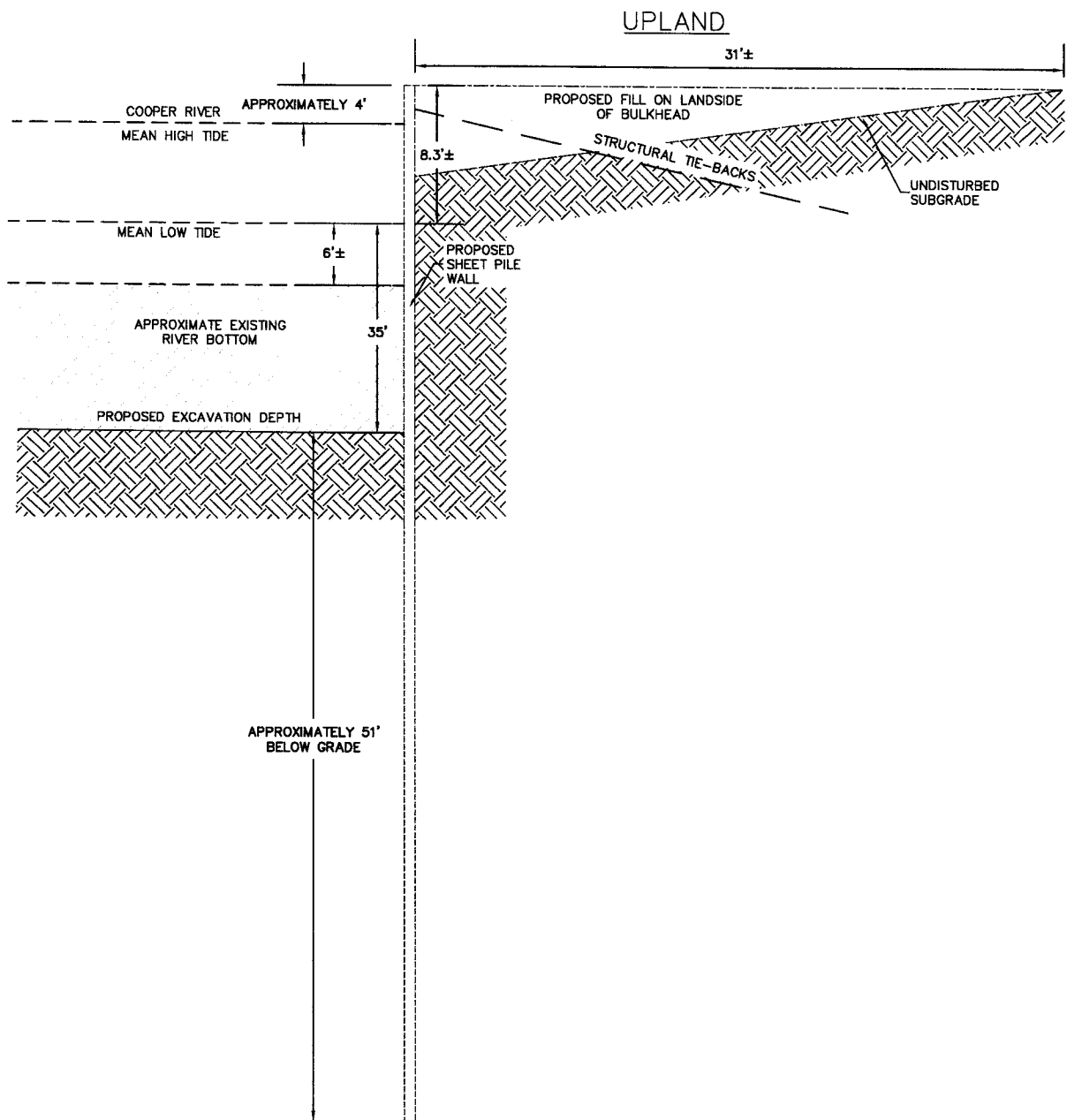
AT: BUSHY PARK FACILITY

IN: COOPER RIVER

COUNTY OF: BERKELEY COUNTY,  
SOUTH CAROLINA

SHEET: 4 OF 5

DATE: 5/2/10  
REVISED: 6/4/10



1. DRAWING FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PURPOSE: BULKHEAD CONSTRUCTION PERMIT  
APPLICANT: COOPER RIVER PARTNERS, LLC

ADJACENT PROPERTY OWNERS  
SEE ATTACHED SHEET

SURVEY DATUM:

FIGURE 4-B  
PROPOSED CROSS SECTION B-B'  
WITH PROPOSED BULKHEAD

SCALE: N.T.S.

COOPER RIVER PARTNERS, LLC  
BUSHY PARK FACILITY  
BERKELEY COUNTY, SOUTH CAROLINA

PROPOSED: BULKHEAD

AT: BUSHY PARK FACILITY

IN: COOPER RIVER

COUNTY OF: BERKELEY COUNTY,  
SOUTH CAROLINA

SHEET: 5 OF 5

DATE: 5/2/10  
REVISED: 5/19/10